

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ARIZONA STRIP FIELD OFFICE
CATEGORICAL EXCLUSION REVIEW**

CX-AZ-110-2005-0013

NAME OF PROPOSED ACTION: Quality Rock Products

DESCRIPTION OF PROPOSED ACTION: On December 15, 2004, Todd Call, of Quality Rock Products, (Quality Rock) submitted a letter requesting to purchase 5000 cubic yards of sand and gravel from a location at Ft. Pearce Wash, marked as a gravel pit on the USGS Yellowhorse Flat 7½ minute topographic quadrangle. The proposed action would be authorized by a noncompetitive sales contract with a term of one year. Additional contracts could be approved, in compliance with this categorical exclusion, if there is continued demand for the material up to a maximum of 50,000 cubic yards contained within 5 acres. Removal of materials beyond these limitations would require additional NEPA review. Authorization for noncompetitive sales is regulated by 43 CFR § 3602.30.

The sand and gravel would be excavated during daylight hours using a trackhoe or loader and placed into 40 ton haul trucks. The material would be hauled approximately one mile to the west and stockpiled on private land. Access would be on existing roads and Quality Rock would install a gate at the state line fence for ingress and egress to the gravel pit. Any affected public roads would be maintained by Quality Rock and signs would be placed at strategic locations to notify the public of ongoing operations. All mineral materials would be extracted or removed in accordance with approved conservation practices so to preserve to the maximum extent feasible all scenic, recreational, watershed, and other land and resource values.

The mitigation measures would include:

1. Purchase of a mineral materials permit constitutes agreement by the permittee to pay all costs incurred by the Government pertaining to the investigation and processing of any trespass action involving unauthorized removal of material by the permittee.
2. The Authorized Officer or his delegated representative shall be allowed, at any time, to examine the records of the permittee to determine the quantity of mineral material removed and to inspect the material site for compliance with Federal regulations and provisions in the permit.
3. The permittee shall allow free and unrestricted public access to and upon the permit area except in areas otherwise designated by the Authorized Officer.
4. Installation of a gate would be required before commencement of operations and removed upon completion. The Authorized Officer may approve placement of a lock on the gate to protect the permittee's equipment, if access to BLM personnel is not restricted.
5. Signs notifying the public of operations would be required before commencement of operations and removed upon completion.
6. Permits/contracts issued for mineral materials only cover activities on lands administered by the Bureau of Land Management and are subject to all pre-existing rights on the land covered under the permit. The permittee shall conduct all activities associated with the permit within the authorized limits of the permit.
7. Surface disturbance by the permittee shall be kept to a minimum and only include the area

needed for practical removal operations.

8. Permits for mineral materials can not be sold, bartered, or otherwise transferred nor can a permittee sell materials in place in the pit to another party.
9. The permittee can hire an agent to extract and/or transport mineral materials, however this requires the approval of the authorized BLM officer.
10. The permittee and agents approved by the BLM to extract and/or transport materials for the permittee must have a copy of the permit in their possession.
11. The terms and conditions of this permit apply to the permittee and all employees, independent contractors, and/or subcontractors of the permittee. The permittee is required to diligently supervise any agents who operate in the material site under the authority granted under this permit. Any violation of the terms and conditions of this permit by the agent shall be considered violations of the terms and conditions by the permittee.
12. All applicable state and county laws and ordinances must be complied with, including emission standards for air quality.
13. All applicable Federal laws and ordinances must be complied with, including the Toxic Substances Control Act of 1976, as amended, with regard to any toxic substances that are used, generated by, or stored on the permit area.
14. The permittee will promptly remove and dispose of all waste caused by the operations as directed by the Authorized Officer. "Waste" refers to all discarded matter including human waste, trash, garbage, refuse, petroleum products, ashes, and equipment. Wastes shall be disposed in an authorized landfill unless otherwise approved in writing by the Authorized Officer. Any drain oil from equipment will be contained and removed to an approved disposal facility.
15. No fuel shall be stored on the flood plain and any spills of petroleum products will be immediately contained and removed to an approved disposal facility.
16. The permittee will avoid driving through any and all sources of naturally occurring water in the wash bottom and shall avoid discharge of any substance that would negatively alter the quality of the water.
17. The permittee shall be responsible for road maintenance from the beginning to completion of operations under this permit. Maintenance shall include blading the road, cleaning ditches and drainage culverts, dust abatement, and other requirements as directed by the Authorized Officer.
18. The permit area must be maintained in a manner, which will not endanger the public, or be detrimental to other resource values such as livestock and wildlife; pit banks should be maintained at a slope not greater than 2:1 horizontal to vertical.
19. The pit floor shall be maintained in a level condition, as much as practicable, during operations.
20. Upon termination of the permit or operations, areas disturbed by the permittee shall be recontoured. The final grade on all pit slopes shall be 2:1 or a lesser slope. If reject material remains after the operation, the permittee must obtain approval from the Authorized Officer before burying or spreading the reject material over the site.

21. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the Safford field office BLM requires the following measures be taken: [The operator] will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the construction site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way or construction site. The holder is responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments will abide by all safety and application guidelines as listed on the product label and Material Data Safety Sheet (MSDS). Any reclamation efforts requiring seeding will be done with certified, weed-free native seed.
22. Any sub-surface archaeological, historical, or paleontological remains discovered during use shall be left intact; all work in the area shall stop immediately and the Authorized Officer shall be notified immediately. Recommencement of work shall be allowed upon clearance by the Authorized Officer in consultation with the Archaeologist.
23. An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey would have to be completed prior to commencement of the project.
24. If in connection with operations any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the permittee or their agent shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer. The permittee or their agent shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.
25. Failure to comply with one or more of these mitigation measures by the permittee or their agent will be cause for the Authorized Officer to void the permit and may result in other enforcement actions.

LOCATION OF PROPOSED ACTION: The site is contained in the NENWSW of Section 35, T. 42 N., R. 11 W., G&SRM (map attached) and is within the Lizard grazing allotment. The lands are public domain with no special designations and no active mining claims.

PLAN CONFORMANCE REVIEW: The proposed action has been reviewed for conformance with the Arizona Strip District Resource Management Plan (1992). The proposed action is in conformance with the RMP. The Shivwits Resource Area Implementation Plan decision M101, page 16 states "Provide communities in or near the area with sand and gravel needed for development in a timely and orderly manner consistent with environmental constraints."

CATEGORICAL EXCLUSION REVIEW: The proposed action is categorically excluded under 516 DM 6, Appendix 5.4: F. (10) states " Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas."

The proposal has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply. Surname(s) verify completion of this review by appropriate specialists.

NAME	LIST OF EXCLUSION CRITERIA
<u>Smith</u>	1. The proposal would have no significant adverse effects on public health or safety: <i>Identify the effect if any</i>
<u>Folks</u>	2. The proposal would not adversely affect unique geographic characteristics such as park, recreation, or refuge lands, wilderness areas, wilderness study areas, wild and scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks: <i>Identify the area that would be affected if any</i>
<u>Herron</u>	3. The proposal would have no adverse effects on historic or cultural resources: <i>Identify the effect if any</i>
<u>Cox</u>	4. The proposal would have no highly controversial environmental effects: <i>Identify the effect if any</i>
<u>Cox</u>	5. The proposal would have no highly uncertain or potentially significant environmental effects nor does it involve unique or unknown environmental risks: <i>Identify the effect if any</i>
<u>Cox</u>	6. The proposal would not establish a precedent for future action or represents a decision in principle about a future consideration with potentially significant environmental effects: <i>Identify the effect if any</i>
<u>Cox</u>	7. The proposal is not directly related to other actions with individually insignificant, but cumulatively significant effects: <i>Identify the other actions and their effects if any</i>
<u>Herron</u>	8. The proposal would not adversely affect properties listed or eligible for listing in the National Register of Historic Places: <i>Identify the effect if any</i>
<u>Hughes</u>	9. The proposal would not adversely affect a plant species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: <i>Identify the species and effect if any</i>
<u>Herder</u>	10. The proposal would not adversely affect an animal species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: <i>Identify the species and effect if any</i>
<u>Smith</u>	11. The proposal would not require compliance with Executive Order 11988 (Floodplain Management), 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act: <i>Identify the order or act and effect if any</i>
<u>Cox</u>	12. The proposal does not threaten to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment: <i>Identify the law and effect if any</i>
<u>Ford</u>	13. The proposal is in conformance with the Arizona Strip District Resource Management Plan/ Environmental Impact Statement (January, 1992): The proposed action is in conformance with the RMP. The Shivwits Resource Area Implementation Plan decision M101, page 16 states "Provide communities in or near the area with sand and gravel needed for development in a timely and orderly manner consistent with environmental constraints."

REVIEWERS:

RESOURCE	NAME	COMMENTS	SIGNATURE	DATE
Botanist	Lee Hughes	No affect	Yes	1/7/05
Cultural	John Herron	No affect	Yes	1/5/05
HazMat	Bob Smith	Stipulation added	Yes	1/26/05
Lands	Laurie Ford	No affect	Yes	1/5/05
Management	Roger Taylor	No response		
Minerals	Rody Cox	Processed proposal	Yes	1/26/05
Native American Coord.	Gloria Benson	No response		
NEPA	Richard Spotts	CX amended	Yes	1/21/05
Range	Bob Sandberg	No affect	Yes	1/06/05
S&G	Linda Price	No affect	Yes	1/05/05
Wildlife	Michael Herder	No affect	Yes	1/10/05
VRM, Recreation	Tom Folks	Stipulations added	Yes	1/06/05
Law Enforcement	Ray Klein	No response		
Law Enforcement	Ron Wadsworth	No concerns	Yes	1/18/05
Noxious Weeds	L.D. Walker	Stipulation added	Yes	1/06/05

DECISION: We have reviewed this plan conformance and NEPA compliance record and have determined that the proposal is in conformance with the approved land use plan, that it would have no significant environmental effects, and that no further environmental analysis is required.

REVIEWED BY:

Environmental Coordinator - Arizona Strip

DATE:

IT IS MY DECISION TO IMPLEMENT THE PROPOSAL, AS DESCRIBED, WITH THE MITIGATION MEASURES.

APPROVED BY:

Field Manager - Arizona Strip

DATE: